UNITED STATES DISTRICT OF	F NEW YORK	V	
JOHN DAVID WHITFIELD,		X : :	
	Plaintiff,	:	20-CV-4674 (JMF)
-V-		: : :	MEMORANDUM OPINION AND ORDER
CITY OF NEW YORK et al.,		· :	
	Defendants.	: : : Y	
		<i></i> /\	

JESSE M. FURMAN, United States District Judge:

On December 23, 2024, the Court issued an Opinion and Order granting in part and denying in part Defendants' motion to dismiss and denying Plaintiff's motion for partial summary judgment. ECF No. 90. On January 15, 2025, Defendants submitted a motion for partial reconsideration of that Order, *see* ECF No. 99 ("Reconsideration Mem."), and, on January 16, 2025, filed a motion to stay pending resolution of that motion, *see* ECF No. 101, a motion Plaintiff opposes, *see* ECF No. 103. As Defendants presents no valid grounds for reconsideration, their motion for reconsideration is summarily DENIED. *See, e.g., Analytical Survs., Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir. 2012) ("It is well-settled that [a motion for reconsideration] is not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple. Rather, the standard for granting a . . . motion for reconsideration is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked." (cleaned up)). Defendants concede that they did not make the argument

they now make in their initial motion papers, *see* Reconsideration Mem. 9,¹ and concede, as they must, that a court need not consider arguments made for the first time in reply, *see id.* at 8-9. It follows that Defendants' request for reconsideration is borderline frivolous and must be denied. To the extent that Defendants believe their belated argument to have merit, they have no one to blame but themselves for the fact that the Court declined to consider it.

For the foregoing reasons, Defendants' motion for reconsideration is DENIED.

Accordingly, their motion for a stay is denied as moot. The Court reserves judgment on Plaintiff's own motion for reconsideration, *see* ECF No. 96, pending his reply.

The Clerk of Court is directed to terminate ECF No. 99, 101, and 103.

SO ORDERED.

Dated: January 17, 2025

New York, New York

JESSE M. FURMAN
United States District Judge

Defendants assert that they did not raise the new argument until reply because they were not on notice of the basis for it until Plaintiff's opposition, but that assertion is frivolous in light of their acknowledgment that Plaintiff made the relevant "argument" in the Second Amended Complaint. *See id.* at 6 (citing ECF No. 74, ¶ 231).